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FACSIMILE COVER SHEET

RECEIVED
28 FEB 2006
Legal Staff
International Division

TO: Somaia Basheir

FROM: David M. Quinlan

RE: Petition for Revival of PCT/US2004/24070

FAX NO: 571 273 0459

DATE: February 28, 2006

Number of pages: 8
(including cover page)

MESSAGE

Dear Ms. Basheir:

Please let me know if the attached is sufficient to complete an inquiry into the status of this matter.

Please also let me know if the original submission is sufficient to obtain a filing date for the U.S. national phase application.

David M. Quinlan

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AP3 Rec'd PCT/PTO 10 FEB 2006

Attorney Docket No.: 7800B.8004
PCT Appln. No. PCT/US2004/024070
For: COMPOSITIONS, METHODS, DEVICES, AND KITS FOR MAINTAINING
OR ENHANCING TOOTH WHITENING
Date: February 10, 2006

The stamp of the US Patent and Trademark Office hereon will acknowledge receipt of the following:

1. Petition for Revival
 2. Check # 4359 in the amount of \$1,500.00
 3. Specification (57 pages)
 4. Formal drawings (5 sheets)
 5. Transmittal Letter to DO/EO/US concerning a Submission under 35 U.S.C. 371 (c)
 6. Check # 4360 in the amount of \$300
- BY: _____

10/15/08 054

Attorney Docket No.: 7800B.8004
PCT Appln. No. PCT/US2004/024070
For: COMPOSITIONS, METHODS, DEVICES, AND KITS FOR MAINTAINING
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6. Check # 4360 in the amount of \$300

| | | |
|--|--------------------------|-------------------------|
| DAVID M. QUINLAN PC PH. 609-921-8660 32 NASSAU ST., SUITE 300 PRINCETON, NJ 08542 | | 4360 |
| Date <u>2-10-2006</u> | | SS-33/212 NJ 00301 |
| Pay to the Order of | Commissioner for Patents | \$ 300.00 |
| Three Hundred and 00/100 xxxxxxxxxxxxxxxxxxxx Dollars | | |
| Bank of America | | |
| ACH R/T 021200330 | | |
| For | 7800B.8005 | <i>David M. Quinlan</i> |
| ⑆021200339⑆ 004201027059⑈ 4360 | | |

| | | |
|--|--------------------------|-------------------------|
| DAVID M. QUINLAN PC PH. 609-921-8660 32 NASSAU ST., SUITE 300 PRINCETON, NJ 08542 | | 4359 |
| Date <u>2-10-2006</u> | | SS-33/212 NJ 00301 |
| Pay to the Order of | Commissioner for Patents | \$ 1,500.00 |
| One Thousand Five Hundred and 00/100 xxxxx Dollars | | |
| Bank of America | | |
| ACH R/T 021200330 | | |
| For | 7800B.8004 | <i>David M. Quinlan</i> |
| ⑆021200339⑆ 004201027059⑈ 4359 | | |

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PTO-1300 (Rev. 07-2005)

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| | | |
|--|--|--|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 7800B.8005 |
| INTERNATIONAL APPLICATION NO. PCT/US2004/024070 | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) |
| INTERNATIONAL FILING DATE 28 July 2004 | | PRIORITY DATE CLAIMED 28 July 2003 |
| TITLE OF INVENTION COMPOSITIONS, METHODS, DEVICES, AND KITS FOR MAINTAINING OR ENHANCING TOOTH WHITENING | | |
| APPLICANT(S) FOR DO/EO/US R. Eric Montgomery | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (8) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 35 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p> | | |

This collection of information is required by 37 CFR 1.414 and 1.481-1.482. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of information, gathering information, preparing, and submitting the completed form to the USPTO should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S.

PTO-1380 (Rev.

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| | | | | | |
|---|--------------|---|---------|--|----|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. PCT/US2004/024070 | | ATTORNEY'S DOCKET NUMBER 7800B.8005 | |
| 20. Other Items or Information: Return Postcard | | | | | |
| The following fees have been submitted | | | | CALCULATIONS PTO USE ONLY | |
| 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300 | | | | \$ 300 | |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) | | | | \$ | |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 | | | | \$ | |
| All other situations.....\$200 | | | | | |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) | | | | \$ | |
| If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 | | | | | |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 | | | | | |
| International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 | | | | | |
| All other situations.....\$500 | | | | | |
| TOTAL OF 21, 22 and 23 = | | | | \$300 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| - 100 = | /50 = | | x \$250 | \$ | |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | - 20 = | | x \$ 50 | \$ | |
| Independent claims | - 3 = | | x \$200 | \$ | |
| MULTIPLE DEPENDENT CLAIM(S) (If applicable) | | | + \$300 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 300 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | | | | |
| SUBTOTAL = | | | | \$ | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ 300 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged | \$ |

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- a. ☒ A check in the amount of \$ 300 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

DAVID M. QUINLAN, P.C.
32 NASSAU STREET
SUITE 300
PRINCETON, NJ 08542



SIGNATURE

David M. Quinlan

NAME

26,641

REGISTRATION NUMBER

Telephone: 609-921-8660

EXPRESS MAIL LABEL NO.: ER 677830629 US

PTO/SB/64/PCT (10-05)

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

 Docket Number
(Optional)
7800B-8004

First Named Inventor: R. Eric Montgomery

International (PCT) Application No.: PCT/US2004/024070

U.S. Application No.:
(if known)

Filed: 28 July 2004

Title: COMPOSITIONS, METHODS, DEVICES, AND KITS FOR MAINTAINING OR ENHANCING
TOOTH WHITENING
 Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of _____ (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

PTO/SB/M4/PCT (10-05)

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3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

David M. Quinlan

Signature

10 Feb. 2006

Date

David M. Quinlan

Typed or Printed Name

26,641

Registration Number, if applicable

32 Nassau Street, Suite 300

Address

609-921-8660

Telephone Number

Princeton, NJ 08542

Address

Enclosures: ☐ Response☐ Fee Payment☐ Terminal Disclaimer☒ Other (please identify):

1. Transmittal Letter to DO/EO/US concerning a Submission under 35 U.S.C. Section 371 (c)
2. Copy of International Appln. No. PCT/US2004/024070
3. Check for \$300
4. Return postcard

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